IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.12 - IDAHO CHILD CARE PROGRAM (ICCP)

DOCKET NO. 16-0612-0803

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 56-202 and 56-203, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

FRIDAY - OCTOBER 10, 2008 - 9:00 am

DEPARTMENT OF HEALTH & WELFARE 450 West State Street, Conference Rm. 7-A Boise, ID

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2008 Legislature adopted legislation, SB1340 and SB1341, amending the Department's statutes concerning fraud investigations and enforcement remedies. In order to investigate allegations and complaints of fraud and abuse under ICCP, these rules are being amended to provide:

- 1. Definitions of terms defining fraudulent types of activities and terms used for enforcement actions;
- 2. Requirements for reporting for providers and parents; records and documentation of services, payment rates; documentation to aid in investigations and protections for allegations of fraud and abuse;
- 3. Clarification of immunization record requirements and discontinue parent provision of documentation of immunization as an eligibility requirement for ICCP benefits;
- 4. Enforcement actions for denial of payments, recoupment for overpayments, termination of provider status, refusal to enter into an agreement, notification to licensing authorities, and provider notification of Department actions.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year.

There is no anticipated fiscal impact to state general funds associated with this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to 67-5220, Idaho Code, negotiated rulemaking was not conducted because these rules are being amended to add investigation and enforcement remedies to meet requirements in 2008 legislation.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Genie Sue Weppner at (208) 334-5656.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 20th day of August, 2008.

Tamara Prisock DHW - Administrative Procedures Section 450 W. State - 10th Floor P.O. Box 83720 Boise, ID 83720-0036 (208) 334-5564 phone (208) 334-6558 fax dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE TEXT OF DOCKET 16-0612-0803

007	 009.	(RESERVED).	
VV/	 007.	(RESERVED).	

008. AUDIT, INVESTIGATION AND ENFORCEMENT.

In addition to any actions specified in these rules, the Department may audit, investigate and take enforcement action under the provisions of IDAPA 16.05.07, "Investigation and Enforcement of Fraud, Abuse or Misconduct."

007.--009. (RESERVED).

010. DEFINITIONS AND ABBREVIATIONS -- A THROUGH L.

The following definitions and abbreviations apply to this chapter:

(4-2-08) (4-2-08)

- **01. AABD**. Aid to the Aged, Blind, and Disabled.
- **Q2. Abuse or Abusive.** Provider practices that are inconsistent with sound fiscal, business, or child care practices and result in an unnecessary cost to the Idaho Child Care Program, in reimbursement that is not necessary, or that fail to meet professional recognized standards for child care, or result in physical harm, pain, or mental anguish to children.
- **023. Child.** Any person under age eighteen (18) under the care of a parent, or a person eighteen (18) years of age or older who is claimed on tax returns as a dependent. (4-2-08)
- **034. Child Care**. Care, control, supervision, or maintenance of a child provided for compensation by an individual, other than a parent, for less than twenty-four (24) hours in a day. (4-2-08)
- <u>O5.</u> <u>Claim.</u> Any request or demand for payment, or document submitted to initiate payment, for items or services provided under the Idaho Child Care Program. (_____)
 - **046. Department.** The Idaho Department of Health and Welfare or its designee. (7-1-99)(
- **057. Earned Income**. Income received by a person as wages, tips, or self-employment income before deductions for taxes or any other purposes. (4-2-08)
- **068. Employment**. A job paying wages or salary at federal or state minimum wage, whichever is applicable, including work paid by commission or in-kind compensation. Full or part-time participation in a VISTA or AmeriCorps program is also employment. (4-2-08)
- **072. Foster Care**. The twenty-four (24) hour substitute care of children provided in a foster home by persons who may or may not be related to a child. Foster care is provided in lieu of parental care and is arranged through a private or public agency. (4-2-08)

- **6810. Foster Child.** A child placed for twenty-four (24) hour substitute care by a private or public agency. (4-2-08)
- **6911. Foster Home**. The private home of an individual or family licensed or approved as meeting the standards for foster care and providing twenty-four (24) hour substitute care to six (6) or fewer children. (4-2-08)
- 12. Fraud or Fraudulent. An intentional deception or misrepresentation made by a person with knowledge that the deception could result in some unauthorized benefit to himself or some other person.
- **162. Good Cause.** The conduct of a reasonably prudent person in the same or similar circumstances, unless otherwise defined in these rules. (7-1-99)
- **144. In Loco Parentis.** Acting "in loco parentis" means a person who acts in place of a parent, assuming care and custody of a child by a formal or informal agreement with the child's parent. (4-2-08)
- 15. Intentional Program Violation (IPV). An intentional false or misleading action, omission, or statement made in order to qualify as a provider or recipient in the Idaho Child Care program or to receive program benefits or reimbursement.
- 126. Job Training and Education Program. A program designed to provide job training or education. Programs may include high school, junior college, community college, college or university, general equivalency diploma (GED), technical school, and vocational programs. To qualify as a Job Training and Education Program, the program must prepare the trainee for employment. (4-2-08)
- 17. Knowingly, Known, or With Knowledge. With respect to information or an action about which a person has actual knowledge of the information or action; acts in deliberate ignorance of the truth or falsity of the information or the correctness or incorrectness of the action; or acts in reckless disregard of the truth or falsity of the information or the correctness or incorrectness of the action.
- 138. Licensed Practitioner of the Healing Arts. A licensed physician, physician assistant, nurse practitioner, or clinical nurse specialist. (4-2-08)

011. DEFINITIONS AND ABBREVIATIONS -- M THROUGH Z.

The following definitions and abbreviations apply to this chapter of rules:

(4-2-08)

(4-2-08)

- **01.** Managing Employee. A general manager, business manager, administrator, director, or other individual who exercises operational or managerial control over, or who directly or indirectly conducts the day-to-day operation of an organization or entity.
 - **042. Minor Parent**. A parent under the age of eighteen (18).
- **023. Non-Recurring Lump Sum Income**. Income received by a family in a single payment, not expected to be available to the family again. (7-1-99)
- **034. Parent**. A person responsible for a child because of birth, adoption, step-parent, or guardianship; or a person acting in loco parentis. (4-2-08)
- **045. Preventive Services.** Services needed to reduce or eliminate the need for protective intervention. Preventive services permit families to participate in activities designed to reduce or eliminate the need for out-of-home placement of a child by the Department. (4-2-08)
- **056. Prospective Income**. Income a family expects to receive within a given time. This can be earned or unearned income. (7-1-99)
 - **067. Provider.** An individual, organization, agency, or other entity providing child care. (7-1-99)
 - **078. Relative Provider.** Grandparent, great-grandparent, aunt, uncle, or adult sibling by blood or

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current marriage who provides child care.

(4-2-08)

089. SSI. Supplemental Security Income.

(4-2-08)

- **6910. Special Needs**. Any child with physical, mental, emotional, behavioral disabilities, or developmental delays identified on an Individual Education Plan (IEP) or an Individualized Family Service Plan (IFSP). (4-2-08)
 - **101. TAFI.** Temporary Assistance for Families in Idaho.

(4-2-08)

142. Unearned Income. Unearned income includes retirement, interest child support, and any income received from a source other than employment or self-employment. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

105. ELIGIBLE CHILD.

A family can only receive child care benefits for eligible children. A child is eligible for child care benefits under the following conditions: (4-2-08)

- 01. Immunizations Requirements. A child must be immunized in accordance with IDAPA 16.02.11, "Immunization Requirements for Children Attending Licensed Day Care Facilities in Idaho." Child care benefits can continue during a reasonable period necessary for the child to be immunized. Parents must provide evidence that the child has been immunized unless the child is attending school.

 (4 2 08)
 - **021. Citizenship or Alien Status Requirement**. A child must be one (1) of the following: (4-2-08)
 - **a.** A citizen; (4-2-08)
 - **b.** Living lawfully in the United States. (4-2-08)
- **032. Child's Age Requirement**. A child must be under thirteen (13) years of age, with the following exceptions: (4-2-08)
- **a.** A child thirteen (13) years of age or older may be eligible for child care benefits if he meets one (1) or more of the following criteria: (4-2-08)
- i. A child is eligible for child care benefits until the month of his eighteenth birthday if he is physically or mentally incapable of self-care, as verified by a licensed mental health professional or licensed practitioner of the healing arts. (4-2-08)
- ii. A child may be eligible for child care benefits until the month of his eighteenth birthday if a court order, probation order, child protection, or mental health case plan requires constant supervision. (4-2-08)
- **b.** A child who is eligible under Subsection 105.03.a. may receive child care benefits until the month of his nineteenth birthday if he is a full-time student and is expected to complete secondary school no later than the month of his nineteenth birthday. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

501. AMOUNT OF PAYMENT.

Child care payments will be based on Subsections 501.01 through 501.04 of this rule.

(4-2-08)

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- **01.** Payment Rate. Payment will be based on the lower of the billed cost of child care, provider's usual and customary rates or the local market rate.
- **a.** The local market rate is determined from a survey of providers' child care charges which is conducted every two years. The local market rate is set at the seventy-fifth percentile and updated as the budget allows.

 (4-2-08)
- **b.** Each Region has a separate local market rate. Payment rates will be determined by the location of the child care facility. (4-2-08)
 - **c.** If the child care facility is not in Idaho, the local market rate will be the rate where the family lives. (4-2-08)
 - **d.** The rate survey will be conducted at least every two (2) years. (4-2-08)
- **02. Usual and Customary Rates**. Rates charged by the child care provider must not exceed the usual and customary rates charged *to all families* for child care to persons not entitled to receive benefits under ICCP.
- **03. In-Home Care.** Parents are responsible to pay persons providing care in the child's home the minimum wage, as required by the Fair Labor Standards Act (29 U.S.C. 206a) and other applicable state and federal requirements. Department payments must not exceed the lower of the hourly federal minimum wage or actual cost of care. (4-2-08)
- **04. Payments**. Payments will be issued directly to eligible providers. A warrant may be issued to a parent only when the parent provides proof the provider was paid in full, and no longer provides child care for the family. (4-2-08)

502. SLIDING FEE SCHEDULES.

Eligible families, except TAFI families participating in non-employment TAFI activities, must pay part of their child care costs. Providers are responsible for ensuring families pay the determined child care costs and may not waive or defer these costs.

(4 2 08)(_____)

- **01. Poverty Rates.** Poverty rates will be one hundred thirty-five percent (135%) of the 2007 federal poverty guidelines published in the Federal Register. The monthly rate will be calculated by dividing the yearly rate by twelve (12). (4-2-08)
- **O2.** Calculating Family Payment. Families must pay the provider their share of costs for child care services which include the families' co-payments and any charges not paid by the Department. Family income and activity for the month of the child care will determine the family share of child care costs. The payment made by the Department will be the allowable local market rate or billed costs, whichever is lower, less the co-payment listed in the following table:

 (4-2-08)

03. ICCP Sliding Fee Schedule.

ICCP SLIDING FEE SCHEDULE									
Family Size	2	2 3 4 5 6 7 8 9 10							
Percent Co-pay	MONTHLY INCOME LIMITS								
7%	\$499	\$599	\$699	\$799	\$899	\$1,099	\$1,199	\$1,399	\$1,499
11%	\$799	\$1,099	\$1,299	\$1,499	\$1,699	\$1,999	\$2,199	\$2,399	\$2,599

ICCP SLIDING FEE SCHEDULE									
Family Size	2	3	4	5	6	7	8	9	10
Percent Co-pay	MONTHLY INCOME LIMITS								
16%	\$949	\$1,249	\$1,449	\$1,699	\$1,999	\$2,299	\$2,549	\$2,799	\$3,049
21%	\$1,099	\$1,399	\$1,599	\$1,899	\$2,299	\$2,599	\$2,899	\$3,199	\$3,499
26%	\$1,165	\$1,465	\$1,731	\$2,031	\$2,399	\$2,731	\$3,031	\$3,365	\$3,665
31%	\$1,231	\$1,531	\$1,863	\$2,163	\$2,499	\$2,863	\$3,163	\$3,531	\$3,831
36%	\$1,299	\$1,599	\$1,999	\$2,299	\$2,599	\$2,999	\$3,299	\$3,699	\$3,999
41%	\$1,308	\$1,616	\$2,008	\$2,316	\$2,625	\$3,016	\$3,325	\$3,716	\$4,025
46%	\$1,317	\$1,633	\$2,017	\$2,333	\$2,651	\$3,033	\$3,351	\$3,733	\$4,051
51%	\$1,326	\$1,650	\$2,026	\$2,350	\$2,677	\$3,050	\$3,377	\$3,750	\$4,077
56%	\$1,335	\$1,667	\$2,035	\$2,367	\$2,703	\$3,067	\$3,403	\$3,767	\$4,103
61%	\$1,344	\$1,684	\$2,044	\$2,384	\$2,729	\$3,084	\$3,429	\$3,784	\$4,129
66%	\$1,356	\$1,706	\$2,056	\$2,406	\$2,756	\$3,106	\$3,456	\$3,806	\$4,156
71%	\$1,386	\$1,743	\$2,100	\$2,457	\$2,814	\$3,171	\$3,528	\$3,885	\$4,242
76%	\$1,416	\$1,780	\$2,144	\$2,508	\$2,872	\$3,236	\$3,600	\$3,964	\$4,328
81%	\$1,446	\$1,817	\$2,188	\$2,559	\$2,930	\$3,301	\$3,672	\$4,043	\$4,414
86%	\$1,476	\$1,854	\$2,232	\$2,610	\$2,988	\$3,366	\$3,744	\$4,122	\$4,500
91%	\$1,506	\$1,891	\$2,276	\$2,661	\$3,046	\$3,431	\$3,816	\$4,201	\$4,586
96%	\$1,540	\$1,932	\$2,323	\$2,715	\$3,106	\$3,498	\$3,889	\$4,281	\$4,672

(4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

600. DEPARTMENT ACTION ON RESPONSIBILITY TO REPORT CHANGES.

The Department must take action on the following reported changes: Providers and those eligible for child care assistance are responsible for reporting changes which may affect child care benefits.

(4 2 08)(_____)

- **01. Change in Income or Hours of Activity**. If a change in income or hours of qualifying activity results in a decrease in the amount of the child care benefit, the Department will make the change effective the month following the month the change is reported. (4-2-08)
- **02. Change in Billed Amount**. If the billed amount of child care results in a decrease in the amount of the child care benefit, the Department will make the changes effective in the month the changes were reported.

 (4-2-08)
- **03. Change Resulting in an Increase**. If a change results in an increase in the amount of the child care benefit, the Department will make the change effective in the month the changes were reported. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

701. RECOUPMENT OF OVERPAYMENTS AND RECOVERY.

An overpayment for child care services may occur as the result of Department, family or provider error, intentional program violations (IPV), or fraud, as established by a judicial or administrative determination as described in Section 56-227, Idaho Code.

- **Q1.** Recoupment of Overpayments. The Department may recoup or recover the amount paid for child care services from a provider. Interest will accrue on these overpayments at the statutory rate set under Section 28-22-104, Idaho Code, from the date of the final determination of the amount owed for services. Recovery Recoupment of an overpayment based on Department error may be collected from parents or providers when the overpayment is one hundred dollars (\$100), or more. Interest will not accrue on overpayments made due to Department error. An overpayment due to family or provider error, IPV or fraud must be recovered in full.

 (4-2-08)(_____)
- **91.** Provider Repayment Requirement. A provider must repay any overpayment resulting from the provider's failure to report changes within ten (10) days as required under Section 808 of these rules. A provider may negotiate a repayment schedule with the Department. Failure to comply with the negotiated repayment agreement will result in loss of eligibility to receive ICCP payments. Ineligibility will continue until the provider repays the overpayment or a new repayment agreement is negotiated with the Department.

 (4-2-08)
- **O2.** Parental Repayment Requirement. A parent must repay any overpayment resulting from the parent's failure to report changes within ten (10) days as required in Section 201 of these rules. The parent may negotiate a repayment schedule with the Department. Failure to comply with the negotiated repayment agreement will result in loss of the family's eligibility to receive child care benefits. Ineligibility will continue until the parent repays the overpayment or a new repayment agreement is negotiated with the Department. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

704. DENI A	L OF PAYMENT.
	may deny payment for the reasons described in Subsections 704.01 through 704.04 of this rule.
<u>01.</u>	Services Not Provided. Any or all claims for child care services it determines were not provided.
02. Subsection 810.0	Services Not Documented. Child care services not documented by the provider as required in 01 of these rules.
03. or the provider a	Contrary to Rules or Provider Agreement. Child care services provided contrary to these rules greement.
04. provider does no	Failure to Provide Immediate Access to Records. The Department may deny payment when the tallow immediate access to records as provided in Subsection 810.02 of these rules.
	ING RESTRICTIONS. tfall is projected, the Department may reduce child care benefits to ensure that ICCP operates within urces. (4-2-08)
70 <u>56</u> 7 <u>94</u> 9.	(RESERVED).

ENFORCEMENT REMEDIES (Sections 750 through 799)

	Section 50	NATION OF PROVIDER STATUS. 6-209h, Idaho Code, the Department may terminate the provider agreement of, or otherwise or a period up to five (5) years from the date the Department's action becomes final to any ind	
	providin		()
	<u>01.</u>	Submits an Incorrect Claim. Submits a claim with knowledge that the claim is incorrect.	()
	<u>02.</u>	Fraudulent Claim. Submits a fraudulent claim.	()
<u>material</u>	03. facts in a	Knowingly Makes a False Statement. Knowingly makes a false statement or representational any document required to be maintained or submitted to the Department.	tion of
<u>immedia</u>	04. ate access	<u>Immediate Access to Documentation</u> . Fails to provide, upon written request by the Departs to documentation required to be maintained.	rtment,
the rules	05. and regu	Non-Compliance With Rules and Regulations. Fails repeatedly or substantially to compliant governing Idaho child care payments.	ly with
the prov	07. ider agre	<u>Violation of Material Term or Condition</u> . Knowingly violates any material term or condiement.	ition of ()
		Failure to Repay. Has failed to repay, or was a managing employee or had an ownership or natity that has failed to repay, any overpayments or claims previously found to have been of e, rule, regulation, or provider agreement.	
	09. as been f re service	Fraudulent or Abusive Conduct. Has been found, or was a managing employee in any found, to have engaged in fraudulent conduct or abusive conduct in connection with the deliver.	
any appl	10. licable lic	Failure to Meet Qualifications. Fails to meet the qualifications specifically required by rul censing entity.	e or by ()
	partment	AL TO ENTER INTO AN AGREEMENT. may refuse to enter into a provider agreement for the reasons described in Subsections f this rule.	751.01 ()
in a pub	01. lic assista	Convicted of a Felony. The provider has been convicted of a felony relating to their involvance program or of a crime listed in Section 805 of these rules.	vement ()
has com participa		Committed an Offense or Act Not in Best Interest of a Child Care Participants. The prooffense or act which the Department determines is inconsistent with the best interests of	
previous	03. sly detern	Failed to Repay. The provider has failed to repay the Department monies which have been owed to the Department.	d been
	<u>04.</u>	Investigation Pending. The provider has a pending investigation for program fraud or abuse	<u>e.</u> ()
an entity	05. w whose p	<u>Terminated Provider Agreement</u> . The provider was the managing employee, officer, or overovider agreement was terminated under Section 750 of these rules.	wner of
	<u>06.</u>	Excluded Individuals . The provider has a current exclusion from participation in federal pro-	<u>ograms</u>

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by the Office of Inspector General List of Excluded Individuals and Entities.

752. PROVIDER NOTIFICATION.

When the Department determines actions defined in Sections 701 through 705, 750, and 751 of these rules are appropriate, it will send written notice of the decision to the provider or person. The notice will state the basis for the action, the length of the action, the effect of the action on that person's ability to provide services under state and federal programs, and the person's appeal rights.

753. NOTICE TO STATE LICENSING AUTHORITIES.

The Department will promptly notify all appropriate licensing authorities having responsibility for licensing, of a Department action, and the facts and circumstances of that action. The Department may request certain action be taken and that the Department be informed of actions taken.

754. -- 799. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

802. HEALTH AND SAFETY REQUIREMENTS.

All providers must submit a written statement that they comply with the health and safety requirements listed in Subsections 802.01 through 802.101 of these this rules. The provider must agree to a health and safety inspection. Compliance with these standards does not exempt a provider from complying with stricter health and safety standards under state law, tribal law, local ordinance, or other applicable law.

(4-2-08)(_____)

- **01. Age of Provider.** All child care providers providing services must be eighteen (18) years old or older. Persons sixteen (16) or seventeen (17) years old may provide child care if they have direct, on-site supervision from a licensed child care provider who is at least eighteen (18) years old. (4-2-08)
- **O2. Sanitary Food Preparation**. Food for use in child care facilities must be prepared and served in a sanitary manner. Utensils and food preparation surfaces must be cleaned and sanitized before using to prevent contamination. (4-2-08)
- **O3. Food Storage**. All food served in child care facilities must be stored to protect it from potential contamination. (4-2-08)
- **04. Hazardous Substances**. Medicines, cleaning supplies, and other hazardous substances must be stored out of the reach of children. (4-2-08)
- **O5. Emergency Communication**. A telephone or some type of emergency communication system is required. (4-2-08)
- **O6.** Smoke Detectors, Fire Extinguishers, and Exits. A properly installed and operational smoke detector must be on the premises where child care occurs. Adequate fire extinguishers and fire exits must be available on the premises. (4-2-08)
- **07. Hand Washing**. Each provider must wash his hands with soap and water at regular intervals, including before feeding, after diapering or assisting children with toileting, after nose wiping, and after administering first aid. (4-2-08)
- **08. CPR/First Aid.** Providers must insure that at all times children are present at least one (1) adult on the premises has current certification in pediatric rescue breathing and first aid treatment from a certified instructor. (4-2-08)
- **109. Health of Provider.** Each provider must certify that he does not have a communicable disease or any physical or psychological condition that might pose a threat to the safety of a child in his care. (4-2-08)

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	10.	Child Abuse. Providers must report suspected child abuse to the appr	opriate authority.	(4-2-08)
attendin	11. ng child ca	Immunization Records. Providers must obtain immunization records are.	s for all children enro	olled and
		(BREAK IN CONTINUITY OF SECTIONS)		
809.	999 .	(RESERVED).		
<u>810.</u>	DOCU	MENTATION OF SERVICES AND ACCESS TO RECORDS.		
	riod of th	Documentation of Services. Providers must generate documentation the reimbursement for child care services. Documentation must be ree (3) years from the date the child care was provided. Documentation	legible and must be	retained
	<u>a.</u>	Records of attendance;		()
	<u>b.</u>	Billing records and receipts;		()
	<u>c.</u>	Policies regarding sign-in procedures, and others as applicable; and		()
	<u>d.</u>	Sign-in records, electronic or manual, or the Child and Adult Food Ca	re Program records.	()
	02. to records of this rul	Immediate Access to Records. Providers must grant to the Department of the review and copying during normal business hours. These recorde.		
		Copying Records. The Department and its authorized agents may cold of this rule. The Department may request in writing to have copie quested copies must be furnished within twenty (20) working days	s of records supplie	d by the

request, unless an extension of time is granted by the Department for good cause. Failure to timely provide requested

remove from the provider's premises copies of any records defined in Subsection 810.01 of this rule.

Removal of Records From Provider's Premises. The Department and its authorized agents may

<u>811. -- 999.</u> (RESERVED).

copies will be a refusal to provide access to records.